IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

SANDRA W. PHELPS,

Plaintiff,

S

VS.

CIVIL ACTION NO. H-03-769

S

JO ANN BARNHART,

COMMISSIONER OF

SOCIAL SECURITY,

Defendant.

S

Defendant.

ORDER

Counsel for the Commissioner seeks clarification of this court's award of fees and costs under the EAJA. (Docket Entry No. 41). In the Memorandum and Order, this court approved as reasonable fees for 50.25 hours. This court also approved the \$125 hourly rate as adjusted by the cost of living adjustment for the year in which the work was completed. This court assumed that with the number of hours and the rates identified established, counsel for the parties – presumably counsel for Phelps as the party seeking the fee award – could do the arithmetic necessary to calculate the fee amount. To avoid confusion, the order is clarified to order counsel for the parties to submit this fee calculation to the court no later than **August 25**, **2006**. An order identifying the specific amount of fees will then be entered.

SIGNED on August 18, 2006, at Houston, Texas.

Lee H. Rosenthal United States District Judge